

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEN WALKER

(Enter above the full name of  
plaintiff in this action)

v.

Court of Common Pleas of  
Monroe County Forty-Third  
Judicial District Commonwealth  
of Pennsylvania and others  
(Enter above the full name of  
the defendant(s) in this action)

CIVIL CASE NO:

12-2206  
(to be supplied by Clerk  
of the District Court)

**FILED  
SCRANTON**

NOV 05 2012

Per [Signature]  
DEPUTY CLERK

COMPLAINT

1. The plaintiff BEN WALKER a citizen of  
the County of Monroe State of  
Pennsylvania, residing at 117 Duck Hollow Circle Stroudsburg, PA 18340  
wishes to file a complaint under \_\_\_\_\_  
(give Title No. etc.)

2. The defendant is Court of Common Pleas of Monroe  
County Forty-Third Judicial District Commonwealth  
of Pennsylvania

3. STATEMENT OF CLAIM: (State below the facts of your case. If you have paper  
exhibits that give further information of your case, attach them to this completed form. Use as  
much space as you need. Attach extra sheet(s) if necessary) See Attached

3. STATEMENT OF CLAIM: shown under Defendants on the Civil Cover Sheet two Defendants are listed above and two Attorneys are listed below. Both Attorneys listed below are from the Monroe County Public Defender Office. Shown below are five (5) other Defendants. Defendant number (3) is also an attorney from the Public Defender Office.

1. Mr. George J. Warden, Prothonotary and Clerk of Courts.
2. Ms. Jessica Jones, Deputy Prothonotary.
3. Unnamed male attorney, Public Defender Office.
4. JM signed initials Under By THE COURT and stated "For" Stephen M. Higgins, J. 8-13-12.
5. The Court of Common Pleas of Monroe County, Pennsylvania Domestic Relations Section.

A brief description of what caused the Plaintiff Ben Walker to file this complaint is because when I appeared in Court on August 20, 2012 the hearing only lasted a few minutes. Judge Higgins briefly read the Court documents and conferred with the two Public Defender attorneys. The Judge asked me and Sandy Walker if we would both agree to stay away from each other for 1 year and 6 months. We both agreed and signed a document. I signed the document because I was completely embarrassed by what had been written about me and I just wanted to leave the Court as fast as I could.

A few days after the August 20, 2012 Court appearance after I calmed down a bit I started to re-read the Petition For Protection From Abuse, Temporary Protection From Abuse Order and Final Protection From Abuse Order in detail. After reading the above Court Orders I knew immediately that the Petition For Protection From Abuse, Temporary Protection From Abuse Order and the Final Protection From Abuse Order were illegal and Judge Steven M. Higgins decision was illegal.

After knowing the above all I wanted to do was to have the complaint reversed and have the above Court Orders that were forwarded to the State Police, local Police and Sheriff's Offices removed from their records. In order to accomplish this I filed a counter complaint against Sandy Walker.

On September 4, 2012 when I arrived in Court and went before Judge Steven M. Higgins, he did not allow me time to present my counter complaint. Within a very short period of time Judge Steven M. Higgins dismissed my complaint. It should be noted that I showed absolutely no anger in the courtroom. I kept quiet folded my papers and left the courtroom.

A couple of days later after the court hearing I went to the courthouse building on at least three occasions to speak with Mr. George J. Warden, Prothonotary in regards to the complaint. I even wrote him a couple of letters that stated the Temporary Protection From Abuse Order and Final Protection from Abuse Orders were illegal. Nothing came out of my visits with Mr. George L. Warden and Mr. Wieslaw Niemoczyuzski, Esq. who I was introduced to by Mr. Warden. I sent Mr. Niemoczyuzski a copy of the August 27, 2012 letter that I hand delivered to Mr. Warden and I never received any type of response from Mr. Warden or Mr. Niemoczyuzski. I sent Mr. Warden another certified letter dated August 31, 2012 that he never responded to.

As stated above I knew that the Petition For Protection From Abuse, Temporary Protection From Abuse Order and the Final Protection From Abuse Order were all illegal. I had done all I could possibly do to try and get the statements turned around but nobody listened. What those at the Court did not know is that I can read legal documents and that I have an understanding of the Freedom of Information Act.

The Petition For Protection From Abuse does not state the name of the County. The Prothonotary stamped Monroe County, PA and the date on the Petition For Protection From Abuse. The Temporary Protection From Abuse Order and the Final Protection From Abuse Order state in the Court of Common Pleas of Monroe County, Pennsylvania.

The Petition For Protection From Abuse was not sealed and dated by the Deputy Prothonotary who also did not sign her name Jessica Jones, Deputy Prothonotary this is to certify that this is a true and correct copy of PFA as shown on the other two Orders. By the Deputy Prothonotary not certifying the Petition For Protection From Abuse, this Petition For Protection From Abuse might be illegal because the Temporary Protection From Abuse Order and Final Protection From Abuse Order are both sealed and dated and signed by the Deputy Prothonotary.

In addition to the above, there are much more very serious violations that occurred that will prove without a doubt that the Petition For Protection From Abuse, the Temporary Protection From Abuse Order and the Final Protection From Abuse Order are all illegal. See below.

1. The Petition For Protection From Abuse In The Court of Common Pleas of \_\_\_\_\_ County, Pennsylvania No. 6811CV2012/890 DR 12 has a different No. than the Temporary Protection From Abuse Order In The Court of Common Pleas of Monroe County, Pennsylvania No. 890DR2012/6811CV2012 and from the Final Protection From Abuse Order In The Court Of Common Pleas of Monroe County, Pennsylvania No. 890DR2012/6811CV2012 that has the exact same No. as the Temporary Protection From Abuse Order. There is no doubt by The Petition For Protection From Abuse No. that is different from the Temporary Protection From Abuse Order No. and different from the Final Protection From Abuse Order No. the Petition For Protection From Abuse is completely illegal and it should never have been accepted in Court.
2. On page three of the Temporary Protection From Abuse Order someone signed their initials JM over Stephen M. Higgins. J printed name and wrote "for" and wrote 8/13/12 date.
3. Judge Stephen M. Higgins had to know the person who signed their initials JM over Stephen M. Higgins J. name. I knew that the initials were illegal and that led me to go on line and searched for proof of how an Order must be signed in Monroe County, PA.
4. I located a Court of Common Pleas of Monroe County Commonwealth of Pennsylvania 43<sup>rd</sup> Judicial District three pages Order. On page 3 of the Order it shows exactly how an Order must be signed and sealed. The last sentence shows the effective date of the Order.
5. Shown under the effective date is BY THE COURT: the name is typed in full. Shown below the line under the above name is the exact name and President Judge. To the left under the name of the President Judge states CERTIFIED FROM THE RECORD this 22<sup>nd</sup> day of January 2009. Shown directly below is George J. Warden Prothonotary, Common Pleas 43<sup>rd</sup> Judicial District Monroe County, PA.
6. The above document not only contradicts the illegal initials that were signed 8/13/12 on the Temporary Protection From Abuse Order it further contradicts how the Deputy Prothonotary sealed the Order.

7. On page 3 of the Temporary Protection From Abuse Order Jessica Jones, Deputy Prothonotary stamped under the initials and below Stephen M. Higgins, J. name Prothonotary 2012 Aug 14 AM 9:23 Monroe County, PA is just as guilty as the person who signed the JM initials because Jessica Jones had to have known from experience that a Judge name and signature and not someone initials must be signed.
8. Also, on the cover page of the Temporary Protection From Abuse Order Shows an Order Effective Date August 13, 2012. Jessica Jones Certified the Temporary Protection From Abuse Order and sealed the date on August 14, 2012 and stamped 2012 AUG 14 9:23 on page 3 one day after the Order Effective date.
9. Judge Stephen M. Higgins signed the Final Protection From Abuse Order but did not sign the Temporary Protection From Abuse Order as stated. In my opinion if a Judge did not sign their own name on a Temporary Protection From Abuse Order and have someone else sign their initials for him the Temporary Protection from Abuse Order is completely illegal.
10. On the cover page of the Final Protection From Abuse Order under the heading The Court Hereby Orders a straight line was drawn through the beginning of the statement that Amended the Order. Whoever Amended the statement failed to check the Amended Order Box above. By not checking the Amended Order Box the Final Protection From Abuse Order is completely illegal because the Order was Amended.
11. Also, the Temporary Protection From Abuse Order Expiration Date is August 20, 2012. The Final Protection From Abuse Order Effective Date is August 20, 2012. With the same dates the Final Protection From Abuse Order is in place when the Temporary Protection From Abuse Order is still in place at the same time up until one minute past midnight. The Final protection From Abuse Order August 20, 2012 Effective date is illegal and should have had an Effective date of August 21, 2012 as shown on the Deputy Prothonotary Certified Seal.
12. Moreover, If the Temporary Protection From Abuse Order is illegal then automatically the Petition For Protection From Abuse and the Final Protection From Abuse Order cannot be stated in Court. To further prove that the above Temporary Protection From Abuse Order is illegal, when the initials were placed above Stephen M. Higgins, J printed name below and Stephen M. Higgins, J. did not sign his name above the Order was Amended. Shown on the cover page of the Temporary Protection From Abuse Order is an Amended Order box that must be checked if there is an Amendment. The box was not checked therefore, the entire Order is illegal.
13. The last page attached to the Final Protection From Abuse Order shows Ben Walker and Sandy Walker signatures. The page is illegal because the page is not dated and there is no statement in regards to an attachment to the Final Protection From Abuse Order.
14. In the Court of Common Pleas of Monroe County, Pennsylvania Domestic Relations Section, on October 15, 2012 Judge Stephen M. Higgins name is listed under BY THE COURT. Sandy Walker is listed as the Plaintiff and Ben Walker is listed as the Defendant.

15. The above Court Order is illegal because Judge Stephen M. Higgins name is under BY THE COURT. As stated above Judge Higgins had to have been involved with the person who signed their initials for him in the Temporary Protection From Abuse Order that made the Temporary Protection From Abuse Order and the Final Protection From Abuse Order illegal. The Petition for Protection From Abuse was automatically illegal because of the conflicting Order No. and no seal.

On the first page above I included Mr. George J. Warden Prothonotary and Clerk of Courts because I spoke to him a number of times and wrote him letters in regards to the illegal Orders and he did absolutely nothing in trying to resolve the matter. The Chief Public Defender Mr. Wieslaw Niemoczyuzki Esq. I was introduced to by Mr. George J. Warden. He was aware of the illegal Orders because I sent him a copy of a letter that I sent to Mr. George J. Warden. Mr. Niemoczyuzki did not do anything to resolve the illegal Orders.

Ms. Kimberly Fedrigon, Esq. is listed as a defendant and an unnamed male attorney who are both from the office of the Public Defender office. The reasons their names are listed as defendants is because as attorneys they both knew that the Orders were illegal because Ms. Kimberly Fedrigon, Esq. represented Sandy Walker and she had to have read all three Orders prior to arriving in Court.

The male attorney, who is in his forties or fifties hair was in a pony tail, came up beside me when I stood in front of Judge Higgins on August 20, 2012. He and I never said one word to each other. Within seconds he went in front of Judge Higgins with Ms. Kimberly Fedrigon. This attorney also had to have been aware of the Orders because he stood next to me as my attorney who I never asked him to represent me.

On September 11, 2012 I mailed Mr. George J. Warden a Certified Letter. The letter listed fourteen (14) paragraphs and requested answers under the Freedom of Information Act (FOIA). As of today's date, November 5, 2012 I have not heard one word from Mr. George J. Warden or any attorney that he claimed was reviewing my FOIA requests.

For the legal team of the Court of Common Pleas of Monroe County Forty-Third Judicial District Commonwealth of Pennsylvania to not respond to my Freedom of Information Act requests something very seriously is holding them back from responding. According to the Freedom of Information Act someone should have responded within 20 business days.

4. WHEREFORE, plaintiff prays that this Federal Court who will review my complaint that the Court of Common Pleas of Monroe County Forty-Third Judicial District Commonwealth of Pennsylvania for the Prothonotary and attorneys to not respond to my Freedom of Information Act requests in thirty (38) business days proves that they are guilty and will not answer the Freedom of Information Act requests because the Court of Common Pleas Of Monroe County Forty-Third Judicial District Petitions For Protection From Abuse, Temporary Protection From Abuse Order and Final Protection From Abuse Order are all illegal Orders.

The plaintiff is completely embarrassed and damaged professionally by the above Orders and the statements and distributions of the Illegal Final Protection From Abuse Order to the local police, State Police at Swiftwater and Sheriff's Office.

To further embarrass me on page 3 of the Final Protection From Abuse Order near the bottom of the page states "This Order is enforceable in all fifty (50) states, the District of Columbia, Tribal Lands, U.S. Territories and the Commonwealth of Puerto Rico under the violence against women Act, 18 U.S.C. 2265."

For those involved with this complaint whose names are stated above are completely liable for what they have done to me. The person who is most responsible for what has been done to me is Judge Higgins. The reason I am stating this is because Judge Higgins personally involved himself with a person who signed illegal initials over his name and in all probability violated the law then he sits on the Bench in Court and issue rulings of the law.

More importantly, Judge Higgins had to have reviewed the Petition For Protection From Abuse, Temporary Protection From Abuse Order and Final Protection From Abuse Order. As a Judge just by him looking at the Petition For Protection From Abuse No. and looking at the other two Orders he had to have known that the Orders No. was different than the Petition For Protection From Abuse No.

Shown below are personal achievements that I have accomplished in helping others to become successful and I want the Court to know something personally about me because I have always tried to help others improved themselves as well as the community I grew up in.

When I started college I worked a full-time job during the day, and I went to a University school of engineering two to three nights a week per semester based upon the credit hours of the courses and I also attended some summer classes. When I graduated I received my Bachelor's Degree Magna Cum Laude. I also was placed in the Phi Omega Epsilon honor Society. I enrolled in another University school at night in an Advanced Design program. All total I attended school at nights for a total of twelve years. I worked hard during the day and at night when I went to class. Some nights I had to stay up late to complete homework assignments.

After years of working hard as an engineer, I wanted to give something back to the community that I grew up in New York City. I decided that the community needed a technical school. In the early 1990's I reached out to the New York State Education Department in regards to the documents that needed to be completed to start a technical school.

When I received the documents I completed the documents and personally wrote the school catalog and every technical program that was to be offered at the school that included mathematics. In addition to being the sole owner of the school I became the New York State Education Department licensed Director and licensed teacher that taught every program offered at the school. I also personally trained qualified persons to become Instructors at the school.

A few years later I applied for the School to become Nationally Accredited. The Congressman who signed for the school went on to become Chairman of the House Ways and Means Committee and the New York State Senator at that time who also signed for the school to become Nationally Accredited went on to become Governor of the State of New York.

The School was licensed by the New York State Education Department, Accredited by the Accrediting Commission of Career Schools and Colleges of Technology, Approved by the New York State Education

Department for the Training of Veterans and was Accredited by the New York City Fire Department. In June 2003 the school received an honors award as a School of Distinction from the Accrediting Commission.

I personally taught one of my best friends who I grew up with who retired from the New York City Fire Department as a Captain and a college graduate to become the Ability To Benefit Tester for those applicants who did not have a GED or High School Diploma.

I also personally taught active duty New York City Police Officers who were enrolled at the school. Upon graduation they did work in the mechanical field as their schedules allowed them to. When those officers retire from the New York City Police Department and gain additional experience they have the mechanical knowledge and skills that they could go on to become major mechanical contractors who could bid on large projects in New York City or any other place of their choosing if that is what they want to do.

In June 2010 I transferred the ownership of the school. Prior to the transfer of the school I was putting in at least 16 hours a day, four days a week Monday through Thursday and eight hours on Friday. and sometime on a Saturday I taught mathematics to increase the student's math skills so that the technical programs they were enrolled in would be much easier.

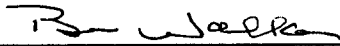
I mentioned my personal background above because after I transferred the ownership of the school I wanted to apply to the United States Patent and Trademark Office to take the Patent Bar Examination. I started to rest up because of the difficulty of passing the Patent Bar Examination. The passing rate for the Patent Bar Examination is approximately 40%. For me to prepare to take the examination I needed to take a few classes that I never took before to prepare me for the examination. Prior to doing this I started studying at home.

Because of moving two times within six months and the personal distractions of these three Orders and other things I have not been able to focus at all. What are bothering me more than anything are the three (3) illegal Orders that will come up whenever I take and pass the Patent Bar Examination.

It should be noted except for The Court of Common Pleas of Monroe County, Pennsylvania Domestic Relations Section the other Defendants stated above all work in the same courthouse building, located at 610 Monroe Street Stroudsburg, PA 18360. The Public Defender's Office is located in the Basement and the Prothonotary Office is located on the 3<sup>rd</sup> floor. They all know each other and work together. The courtrooms are on various floors.

The damage done to me personally by the illegal Petition For Protection From Abuse, Illegal Temporary Protection From Abuse Order and the Illegal Final Protection From Abuse Order and by the failure of the Court of Common Pleas of Monroe County Forty- Third Judicial District Commonwealth of Pennsylvania Monroe County, Prothonotary and its legal staff to not respond to the Freedom of Information Act requests I am requesting from the Court of Common Pleas of Monroe County Forty -Third Judicial District Commonwealth of Pennsylvania that all the documents that were sent to each Police Law Enforcement Officials as stated in the Final Protection From Abuse Order be removed from their records and the three illegal Orders stated above be removed from the Courts records.

Because of the damages done to me and by being denied answers to my Freedom of Information Act requests I am requesting a total of Three Million (3,000,000) Dollars from the Court of Common Pleas of Monroe County Forty-Third Judicial District Commonwealth of Pennsylvania and all the defendants named. See attached exhibits.

  
\_\_\_\_\_  
Signature of Ben Walker, Plaintiff